

**AMENDMENT TO THE FEDERAL RULES OF
EVIDENCE**

**Rule 803. Exceptions to the Rule Against Hearsay —
Regardless of Whether the Declarant Is
Available as a Witness**

The following are not excluded by the rule against hearsay,
regardless of whether the declarant is available as a
witness:

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(10) *Absence of a Public Record.* Testimony —

or a certification under Rule 902 — that a
diligent search failed to disclose a public
record or statement if:

(A) the testimony or certification is
admitted to prove that

(i) the record or statement does not
exist; or

(ii) a matter did not occur or exist, if
a public office regularly kept a
record or statement for a matter
of that kind; and

(B) in a criminal case, a prosecutor who
intends to offer a certification provides
written notice of that intent at least 14
days before trial, and the defendant
does not object in writing within 7
days of receiving the notice — unless
the court sets a different time for the
notice or the objection.

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